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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,158

09/21/2006

Matin Kurth

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BAKER & DANIELS LLP  
111 E. WAYNE STREET  
SUITE 800  
FORT WAYNE, IN 46802

EXAMINER

DELISLE, ROBERTA S

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

08/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,158	<b>Applicant(s)</b> KURTH, MATIN	
	<b>Examiner</b> ROBERTA DELISLE	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because they are not clear, they have a “fuzzy” appearance making details hard to see. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bettger (US 6,033,169).

**Regarding Claim 8, Bettger discloses:  
Reference figures 1-6, for example**

**(New)** A device (Abstract) for use in fastening to a support that includes a threaded bolt (100), said device defining perpendicular axial and radial directions (Abstract) and comprising:

a screw component (20) including thread engagement structure (26), an abutment surface (23, 25), and first rotational engagement structure (28, 29); and

a drive component (30) including a tool fitting (sides of 30) and second rotational engagement structure (40, 41) rotationally engagable with said first rotational engagement structure (28, 29), said drive component (30) drivable rotationally by a tool via said tool fitting (sides of 30) to in turn rotatably drive said screw component (20) via engagement of said first (28, 29) and second (40, 41) rotational engagement structures to thread said thread engagement structure (26) of said screw component (20) onto the threaded section of the threaded bolt (100).

**Regarding Claim 9, Bettger further discloses:**

**(New)** The device of Claim 8, further comprising a ring cage (32) including an abutment area within which said screw component (20) and said drive component (30) are received.

**Regarding Claim 10, Bettger further discloses:**

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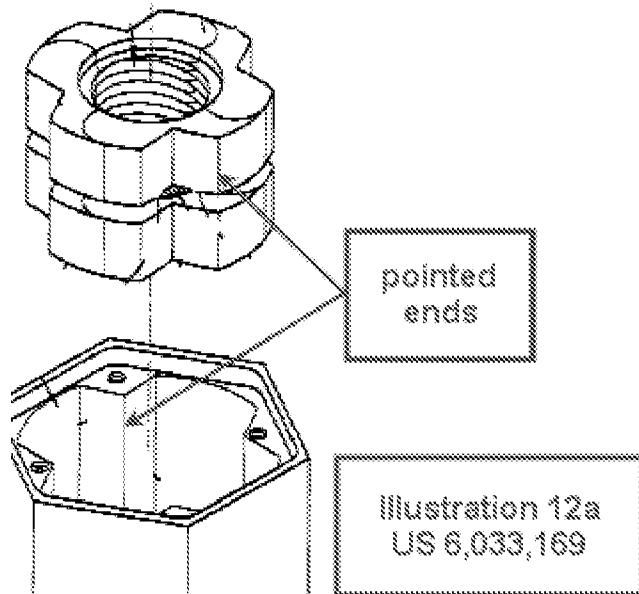
**(New)** The device of Claim 9, wherein said drive component (30) is retained in the axial and radial directions within said ring cage (32).

**Regarding Claim 11, Bettger further discloses:**

**(New)** The device of Claim 8, wherein said first (28, 29) and second (40, 41) rotational engagement structures each include a plurality of radial projections (figure 1)

**Regarding Claim 12, Bettger further discloses:**

**(New)** The device of Claim 11, wherein said projections (28, 29, 40, 41) each include curved sides (Column 4 Lines 29-31, “cam faces” & “camming surfaces”) terminating in pointed ends (See Illustration 12a below)



***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bettger (US 6,033,169) in view of Tinnerman (US 2,286,042)

**Regarding Claim 13, Bettger discloses a device but does not disclose an**

**(New)** The device of Claim 8, wherein said screw component (10) includes an outer ring (23), and said thread engagement structure (26) of said screw component (20) includes [...]

**Tinnerman teaches:  
Reference figures 1-6, for example**

... at least two internal catches (12) extending radially from said outer ring (10) toward one another, said internal catches (12) including free ends engagable with the threaded section of the threaded bolt (13)

**Examiner notes that Bettger discloses a device. Tinnerman teaches a device with bent portions that engage a bolt. One would be motivated to use this type of configuration to provide a means for retaining a fastener prior to assembly. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bettger with bent portions as taught by Tinnerman to provide a means for retaining a fastener prior to assembly.**

**Examiner takes official notice that it is old and well known to use bent portions (i.e. retaining portions or “internal catches”). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have added bent portions (i.e. retaining portions or “internal catches”) in**

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**Bettger to provide a means for retaining a fastener prior to being assembled if so desired.**

**Regarding Claim 14, Bettger as modified by Tinnerman discloses a device as described previously but does not disclose internal catches extending at an angle.**

**Tinnerman teaches:**

**(New)** wherein said internal catches (12) are disposed at an angle extending in the axial direction away from an end of the threaded bolt (13)

**Examiner notes that Bettger discloses a device. Tinnerman teaches a device with bent portions at an angle. One would be motivated to use this type of configuration to provide a means for retaining a fastener prior to assembly. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bettger with bent portions at an angle as taught by Tinnerman to provide a means for retaining a fastener prior to assembly.**

**Examiner takes official notice that it is old and well known to use bent portions (i.e. retaining portions or "internal catches"). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have added bent portions (i.e. retaining portions or "internal catches") in Bettger to provide a means for retaining a fastener prior to being assembly if so desired.**

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERTA DELISLE ("Bobbi") whose telephone number is (571) 270-3746. The examiner can normally be reached on M-F 8 AM to 4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272- 6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/  
Victor D. Batson  
Supervisory Patent Examiner  
Art Unit 3677

rsd